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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,741	03/07/2002	Fernando R. Masas	135/0001	2877
7590	11/17/2004		EXAMINER	
Thomas A. Gallagher, Esq. 65 Woods End Road Stamford, CT 06905			MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/092,741	MASAS, FERNANDO R.
	<b>Examiner</b> Steven M Marsh	<b>Art Unit</b> 3632

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 July 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 14-16 is/are allowed.
- 6) Claim(s) 1-8 and 10-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

This is the fourth office action for U.S. Application 10/092,741 for Methods and Apparatus for Suspending Fixtures filed by Fernando R. Masas on March 7, 2002. Claim 9 has been canceled.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 5, Applicant claims an "eyelet having a crimpable portion adapted to receive the end of the wire, wherein the structure includes a hook adapted to receive the eyelet". However, the embodiment claimed in claims 5 and 6 and shown in figures 8 and 9, does not include a structure that has a closed loop struck out from the side of the second flange, as claimed in claim 1, which claims 5 and 6 depend upon. Therefore, these claims have not been examined on the merits. In claim 7, Applicant claims that the structure "includes a slotted cylinder". However, the embodiment shown in figures 10 and 11, which corresponds with claim 7, does not have a structure with a closed loop struck out from the side as claimed in claim 1, upon with it depends.

***Claim Rejections - 35 USC § 102***

Claims 1-4 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,664,754 to Gaenslen. Gaenslen discloses an apparatus for suspending a fixture in conjunction with a wire. The apparatus has an angle bracket (1) with a first flange (2) and a second flange (3). The first flange lies in a first plane and the second plane lies in a second plane that is not parallel with the first plane. The first flange has a hole (4) adapted to receive a fastener and the second flange has structure adapted to receive an end of the wire (7). The structure has at least one closed loop (6 on the top) struck out from a side of the second flange, whereby the axis of the opening of the loop is parallel to the second flange, with the wire extending in a direction which forms an angle with the first plane and is not parallel with the first plane. The structure also includes a tongue defining a wire receiving hole and a loop (6 at the bottom), and there are alternating loops (the portions of 6 between the top and bottom). The fixture is suspended by the steps of: obtaining a length of wire, obtaining a fastener, obtaining an angle bracket, inserting an end of the wire into the structure, crimping the structure, fastening the angle bracket to a surface, and attaching the wire to a fixture.

***Claim Rejections - 35 USC § 103***

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaenslen in view of U.S. Patent 4,601,451 to Leonardo. Gaenslen does not disclose an angle bracket with a third flange, in addition to the first and second flanges. Leonardo discloses a suspended bracket, with a first flange (15), and second and third flanges (16)

and 17) depending from the first flange at right angles, for mounting separate objects. It would have been obvious to one of ordinary skill in the art to have provided an additional flange (or third flange) to the first flange taught by Gaenslen, as taught by Leonardo, for the purpose of mounting an additional object (in this case a wire).

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaenslen. Gaenslen does not specifically disclose a method of suspending a fixture from a surface wherein the angle bracket and fastener are obtained simultaneously. However, it would have been obvious to one of ordinary skill in the art at the time of the present invention to have obtained the bracket and fastener at the same time to pre-fit the fastener and hole in the bracket, basically making the device one-piece rather than separable, for the purpose of providing a fastener bracket arrangement wherein a user would not have to locate a separate fastener to install the bracket.

#### ***Allowable Subject Matter***

Claims 14-16 are allowed.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,055,625 to Kopf et al.

U.S. Patent 3,214,127 to Skidmore et al.

U.S. Patent 4,639,219 to Gagin

U.S. Patent 4,358,635 to Druffel

The above patents all disclose various brackets.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is

Art Unit: 3632

(703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

*SM*  
Steven Marsh

October 24, 2004

*L.A.B.*  
LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER